

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALINKA TACUMA WADE MOYE,

Plaintiff,

v.

RED OAK REALTY,

Defendant.

No. C-09-03896 WHA

**ORDER DENYING EX PARTE
APPLICATION FOR
PERMISSION TO FILE MOTION
FOR RECONSIDERATION**

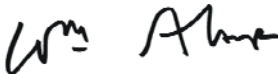
Plaintiff's complaint in this action was dismissed without leave to amend for lack of subject matter jurisdiction and failure to state a claim. Judgment has been entered. Plaintiff, acting *pro se*, now has filed an ex parte application for permission to file a motion for reconsideration. It consists of incomplete and ungrammatical sentences, is difficult to understand, and does not comprehensibly state any basis for reconsideration.

Plaintiff's motion is untimely because pursuant to Civil Local Rule 7-9 a motion for reconsideration must be brought before the entry of judgment. Furthermore, for the same reasons explained in the order of dismissal, plaintiff still has not pleaded any facts establishing subject matter jurisdiction in this matter. The federal statutes cited by plaintiff are not ones that give rise to private civil claims and no facts allege the citizenship of the various parties such that

diversity jurisdiction can be established. Plaintiff's ex parte application is therefore **DENIED**.

IT IS SO ORDERED.

Dated: November 16, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE